

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: BOAT DOCK REGULATIONS ORDINANCE

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Matthew West **EXT.** 7353

Agenda Date: 12/01/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the attached ordinance amending the regulations for boat docks and boathouses and find said ordinance consistent with the Seminole County Comprehensive Plan.
2. Recommend DENIAL of the attached ordinance amending the regulations for boat docks and boathouses and find said ordinance inconsistent with the Seminole County Comprehensive Plan.
3. Continue this item to a time and date certain.

Unincorporated Seminole County

Matthew West, Planning Manager

BACKGROUND:

Per direction of the Board of County Commissioners at its meeting of October 26, 2004, staff drafted and scheduled public hearings for an ordinance which would clarify and create consistent language regarding boat docks throughout the Zoning Code. The ordinance also provides that boat docks shall be permitted as principal uses in RC-1, A-1, A-3, A-5 and A-10. Finally the ordinance places a consistent height limitation for boathouses in all zoning categories. This final addition to the ordinance was recommended by the County Attorney's Office.

STAFF RECOMMENDATION:

Staff recommends approval of the attached Ordinance.

Attachments: Ordinance

Reviewed by:	<u>KR</u>
Co Atty:	<u> </u>
DFS:	<u> </u>
OTHER:	<u>MW</u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u> </u>

O R D I N A N C E

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY SECTIONS 2.3, 30.102, 30.122, 30.162, 30.182, 30.202, 30.222, 30.1371; CREATING DEFINITIONS; CLARIFYING PERMITTED USES IN A-1, A-3, A-5, A-10, RC-1, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-1B, R-1BB AND R-2 ZONING CATEGORIES; CREATING BOAT DOCK AND BOATHOUSE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, numerous navigable water bodies, including Lake Jessup, Lake Monroe and the St. John's River, are located in Seminole County; and

WHEREAS, many Seminole County residents live along the banks of its various water bodies; and

WHEREAS, many Seminole County residents and visitors use the water bodies of Seminole County for recreational purposes, including sailing, canoeing, kayaking, skiing, fishing, swimming and other activities; and

WHEREAS, the Board of Seminole County Commissioners deems it to be of great importance to balance the riparian rights of land owners to store and launch their watercraft with the general rights of Seminole County citizens and visitors to enjoy the natural beauty and recreational value of the County's rivers, lakes and ponds; and

WHEREAS, the Economic Impact Statement relating to this Ordinance has been prepared and made available for public review

in accordance with the requirements of the Seminole County Home Rule Charter; and

WHEREAS, the private property rights analysis relating to this Ordinance has been prepared and made available for public review in accordance with the requirements of the Seminole County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 2, Section 2.3, Land Development Code of Seminole County is hereby amended to add the following definitions:

Sec. 2.3. Definitions.

Boathouse - A roofed structure used for the storage of watercraft and water vessels, including boats and boating equipment, which is located waterward of the mean high water line or seasonal high water line.

Boat Dock - Any structure, whether fixed or floating, secured on or by a piling, waterward of the mean high water line or seasonal high water line which is designed for or capable of being used to moor watercraft.

Section 2. Chapter 30, Part 6, Section 30.102(a), Land Development Code of Seminole County is hereby amended, and Section 30.102(m) is hereby created, to read as follows:

Sec. 30.102. Permitted uses. Within any property assigned the A-10, A-5 or A-3 Rural Zoning Classifications, no building, structure, land or water shall be developed, except for the following uses:

(a) Single family residences and uses accessory thereto, including one (1) guest house or cottage, ~~boat docks and boathouses.~~

* * * *

(m) One (1) boat dock and one (1) associated boathouse per lot.

Section 3. Chapter 30, Part 7, Section 30.122, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.122. Permitted uses. Within the A-1 Agriculture Zoning Classification, no building, structure, land or water shall be used, unless otherwise permitted, except for ~~one (1) or more of~~ the following uses:

(q) Single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, ~~docks and boathouses.~~

* * * *

(u) One (1) boat dock and one (1) associated boathouse per lot.

Section 4. Chapter 30, Part 10, Section 30.162(c), Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.162. Uses permitted. The following uses are permitted on property assigned the RC-1 zoning classification:

(c) ~~Boathouses and docks used for the shelter and storage of boats~~ One (1) boat dock and one (1) associated boathouse per lot.

Section 5. Chapter 30, Part 11, Section 30.182, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.182. Uses permitted. Within any R-1, R-1B and R-1BB Single-Family Dwelling zoning classification, no building, structure, land, or water shall be used, except for ~~one (1) or more of~~ the following uses:

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(d) One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.

Section 6. Chapter 30, Part 12, Section 30.202, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.202. Uses permitted. Within any R-1AAAA, R-1AAA, R-1AA, and R-1A Single Family Dwelling zoning classification, no

building, structure, land, or water shall be used except for ~~one (1) or more of~~ the following uses:

(b) ~~Boathouses and boat docks as accessory uses, providing the roof of said boathouse does not exceed ten (10) feet above the mean high water line~~ One (1) boat dock and one (1) boathouse per lot when accessory and incidental to the principal dwelling.

Section 7. Chapter 30, Part 13, Section 30.222, Land Development Code of Seminole County is hereby amended to read as follows:

Sec. 30.222. Uses permitted. Within an R-2 One- and Two-Family Dwelling zoning classification, no building, structure, land, or water shall be ~~used~~ permitted except for ~~one (1) or more of~~ the following uses:

* * * *

(d) One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.

Section 8. Chapter 30, Part 70, Section 30.1371, Land Development Code of Seminole County is hereby created to read as follows:

Sec. 30.1371. Boat Dock Regulations.

(a) Where boat docks or boathouses are a permitted use the following requirements must be met prior to issuance of any applicable permit:

(1) The lot upon which the structure will be developed must have a minimum thirty feet (30') of frontage on the subject water body.

(2) The lot upon which the structure will be developed must be a legal lot of record.

(3) The lot upon which the structure is located must have adequate off-street parking for at least two (2) vehicles.

(4) The applicant must demonstrate compliance with all local, State and federal regulations and permit requirements.

(b) No boat dock or boathouse may be rented or leased.

(c) The highest part of the roof of a boathouse may not be higher than ten (10) feet above the elevation of the mean high waterline. The Board of County Commissioners may permit a taller boathouse upon a determination that the view of the water body from neighboring properties will not be adversely affected.

Section 9. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become, and be made a part of the Seminole County Land Development Code. The word "Ordinance" may be changed to section, article, or other appropriate word or phrase and the sections of this Ordinance may be assigned new numbering or lettering to accomplish such intention; providing, however, that Sections 9, 10, and 11 shall not be codified.

Section 10. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 11. Effective Date. This Ordinance shall take effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this _____ day of _____, 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE,
Clerk of the Board of
County Commissioners of
Seminole County, Florida

By: _____

SPL
09/16/04
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ECONOMIC IMPACT STATEMENT
FOR THE
"Boat Dock Ordinance-- 2004"
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2004

Describe Project/Proposal

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to boat docks in residential and agricultural zoning districts. The amendments are proposed to correct the existing regulations because they are inconsistent between zoning districts. Also, the amendments will permit boat docks as principal permitted uses in the agricultural zoning districts.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

- There will be no additional economic impact to the County. The ordinance will permit the construction of boat docks before the construction of a single family home. The ordinance will protect lakefront property values by creating consistent regulations across all residential and agricultural zoning districts.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

- This ordinance is revenue neutral since it does not raise the cost of building a dock or increase any fees.
- The ordinance does not have any additional economic impacts on the taxpayer since boat docks are required to be permitted despite this ordinance.
- There is no economic impact to the property owner since the regulations do not increase the costs to construct a dock.

Identify Any Potential Indirect Economic Impacts, Positive or Negative Which Might Occur as a Result of the Project/Proposal

- The requested modifications will allow property owners to build a dock and utilize their property in the agricultural districts without having to build a house first. In this respect, the ordinance will have a positive impact since

lakefront property owners will be able to enjoy their property without having the costs of building a house.

This document was prepared by the Planning Division representing the Seminole County Planning and Development Department.

Revised 10/4/04

PRIVATE PROPERTY RIGHTS ANALYSIS
FOR THE
“Boat Dock Ordinance – 2004”
AMENDMENT TO THE LAND DEVELOPMENT CODE OF SEMINOLE
COUNTY, FLORIDA, 2004

Amendment to the Land Development Code of Seminole County

- The County is proposing to amend the Land Development Code of Seminole County which affects the regulations pertaining to boat docks in residential and agricultural zoning districts. The amendments are proposed to correct the existing regulations because they are inconsistent between zoning districts. Also, the amendments will permit boat docks as principal permitted uses in the agricultural zoning districts.

Zoning Standards

- This proposed Ordinance change incorporates minor changes or alterations of the boat dock regulations so that they are consistent throughout the agricultural and residential zoning districts. This proposed Ordinance does not change the actual zoning map designation of a lot, parcel or parcels of land.
- The proposed Ordinance change provides for consistency definitions, regulations and interpretations of boat dock regulations.
- Development regulations regarding boat docks may be more easily understood, enabling improved planning for property owners and contractors for the future use of their property.

Estimated Economic Impact on Individuals, Businesses or Government

Advantages:

- With this proposed Ordinance, local government may experience a slight increase of revenues by providing by allowing boat docks to be constructed prior to the construction of a single family home. Therefore some vacant agricultural property may have a dock constructed sooner.
- Local government may experience reduced operating costs as a result of fewer appeals of the Planning Manager's interpretations.

Disadvantages:

- Some proposed boat docks may exceed the regulations contained in the ordinance, but it is unlikely that most will. In any event, a variance process is in place already.

Anticipated New, Increased, or Decreased Revenues

- With this proposed Ordinance, local government may experience increased revenues by permitting boat docks on vacant agricultural property.

Estimated Impact upon Competition and the Open Market for Employment

- There is no negative or positive impact upon competition and the open market for employment anticipated as a result of the proposed Ordinance.

Data and Method Used in Determining Analysis

- The proposed Ordinance was also reviewed by County staff after consulting with the Property Appraisers Office.